

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

MITCHELL KEITH GOODRUM,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No. 3:23-cv-00472-ART-CSD

ORDER

(ECF No. 14)

State prisoner Mitchell Goodrum brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he allegedly suffered while he was incarcerated in the custody of the Nevada Department of Corrections. In screening Goodrum's Second Amended Complaint, the Court dismissed all claims without leave to amend in this action EXCEPT the Eighth Amendment claims about prison medical staff's alleged indifference to medical needs associated with his head injury. (ECF No. 10). The Court gave Goodrum until August 19, 2024, to file a third amended complaint to attempt to replead those claims. (*Id.* at 20). That deadline expired without an amended complaint or a motion to extend the deadline.

Goodrum instead appealed the screening order, and after the Ninth Circuit dismissed the appeal for lack of jurisdiction, he filed a document titled "Motion to File Objection to Magistrate Judge Recommendation." (ECF Nos. 11, 13, 14). The motion asks the Court to reconsider the screening order and "allow the case to proceed as written" because Goodrum "disagrees and objects to the courts [sic] recommendation." (ECF No. 14). The motion is denied because it contains no points or authorities supporting the request for reconsideration. *See Nev. LR 7-2* (d) ("The failure of a moving party to file points and authorities in support of the motion constitutes a consent to the denial of the motion."). However the Court

1 will grant Goodrum a final extension of time to file a third amended complaint to  
2 attempt to replead his medical-indifference claims if he chooses to do so.

3 It is therefore ordered that Goodrum's motion to file an objection (ECF  
4 No. 14) is construed as a motion to reconsider the screening order, and it is  
5 denied in all respects.

6 It is further ordered that Goodrum has until November 14, 2024, to file a  
7 third amended complaint consistent with the Court's screening order (ECF  
8 No. 10).

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10 Dated this 15<sup>th</sup> day of October, 2024.

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14 ANNE R. TRAUM  
15 UNITED STATES DISTRICT JUDGE  
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